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SUBJECT: BOLANOS-DAVIS CASE: SILENCING CRITICS MADE EASY

REF: MANAGUA 1663

Classified By: Ambassador Paul Trivelli, reason 1.4 (b) and (d)

Summary

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¶1. (C) National Assembly Deputy Alejandro Bolanos-Davis met with us on August 24 to give us his reaction to his seemingly permanent expulsion from the National Assembly, the next moves in his case, and his overview of Nicaraguan politics. Bolanos-Davis is convinced that the Ortega regime will not be satisfied with removing him from the Assembly, but will continue to pursue bogus claims against him, in order to incarcerate him. No critic of the current regime is safe, he believes. End Summary.

If you can't shut their mouths, just decapitate them

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¶2. (C) According to Bolanos-Davis, he is the victim of a political witch-hunt. He believes that he is the object of Sandinista ire because he specifically attacked the money-making racketeering of Lenin Cerna, the evil heavy-hand of the Sandinista (FSLN) machine. According to Bolanos-Davis, thanks to his efforts to highlight Cerna's activities, the FSLN can no longer use its control of the country's judiciary to extort money from citizens. The timeline of the accusations against Bolanos-Davis tend to corroborate this assertion (reftel).

¶3. (U) On June 13, after a surprisingly rapid 5-day process, Nicaragua's Supreme Electoral Council (CSE) stripped Bolanos-Davis of his seat in the National Assembly on the basis that he had failed to renounce his foreign (U.S.) citizenship at least four years previous to running for the National Assembly, as stipulated under Nicaraguan law (reftel). The matter was then deferred until the National Assembly reconvened after their July break. On August 2, the Executive Committee of the National Assembly decided not to bring the question of Bolanos-Davis's seat to the Assembly floor, but instead to refer the matter to the Supreme Court.

¶4. (U) On August 13, the Supreme Court responded that it had no jurisdiction over the case and that the decision by the CSE was final. Bolanos-Davis's supporters in the Nicaragua's Liberal Alliance (ALN) party circulated a petition the week of August 20 that called for the Bolanos-Davis case to be discussed by the Assembly in a plenary session, but only



managed to garner a handful of signatures from other party groups. Apart from providing political theater of almost comic theatrical proportions -- with all the ALN deputies sporting black gags to represent their frustration at not being allowed to debate the case -- this last ditch effort by the ALN to force an Assembly discussion on the Bolanos-Davis accomplished little. Bolanos-Davis has lost his seat in the Assembly, and his party-named replacement Stanford Cash-Dash assumed the job on August 28.

#### "No One is Safe" Without a Fair Process

15. (C) Bolanos-Davis complained to us that the process used to effect his removal was completely outside normal, legal judicial procedures. He was never properly accused in a court; never given the right to hear the accusations; never given the opportunity to defend himself. The CSE used an administrative order to remove him, which was an action that Bolanos-Davis believes exceeded the CSE's mandate. According to Bolanos-Davis, the CSE's purview is limited to the conduct and administration of elections during the election season, so the CSE's prerogative to question the validity of his candidacy ended when he was sworn in as a National Assembly Deputy. Therefore, Bolanos-Davis maintains that his rights to access to the judiciary have been denied, and he plans to file a complaint with the Inter-American Commission on Human Rights.

16. (C) Bolanos-Davis is certain that the combined weight of the FSLN-Aleman Pacto will continue to pursue him. "They want me in jail," he told us, expecting that the FSLN's first line of attack will be that he falsified documents in order to show that he was born in Nicaragua. After that, Bolanos-Davis expects that they will start fabricating evidence against him. "But I'm clean," Bolanos-Davis assures us, free from any personal or financial indiscretions that his enemies can use.

17. (C) Bolanos-Davis further insists that the fact that he was never able to defend himself, and denied all access to any normal judicial process, is proof that no one is safe in Nicaragua if they cross the FSLN-Aleman Pacto. Bolanos-Davis maintains that if it is so easy to get rid of him, once he attacked one of the Sandinista's power bases, the FSLN-Aleman Pacto can similarly silence any other critics. Bolanos-Davis also holds no expectation that the Pacto-controlled judicial system will afford him any relief; he expects to lose any legal case brought against him. His only hope, he says, is to maintain public and international support.

#### A Victory for Ortega and Aleman

18. (C) The means by which Bolanos-Davis was removed from the Assembly represent a victory both for the Sandinista regime, and for Liberal Constitution Party (PLC) President Arnoldo Aleman. Ortega has gotten rid of a vocal and bold critic. By making sure that the Bolanos-Davis case never came to the floor of the Assembly, Aleman ensured that rumbles of dissent within the PLC remained under wraps.

19. (C) Some members of the PLC, who are unhappy with Aleman's continued alliance with Ortega, would have risked upsetting their anti-Aleman PLC constituents if they did not stand up to defend Bolanos-Davis. In short, a vote on the Assembly floor could have been embarrassing for Aleman by exposing a possible PLC rift. As it was, faced with only the prospect of whether or not to sign the ALN's petition, the majority of PLC Deputies could safely tow Aleman's line without fear of offending hard-core anti-Sandinista supporters, and only five PLC Deputies signed.

10. (C) Beyond complaining about not being able to debate the Bolanos-Davis case, however, many Assembly Deputies -- outside of the FSLN -- are worried about Ortega's encroachment on the Assembly's independence. On August 22, Bolanos-Davis pushed his way into the Assembly chamber and



took his seat, even though the National Assembly's Executive Committee had already accepted the CSE's decision to strip him of his status. The response from the Sandinista President of the Assembly Rene Nunez was sharp, and according to many Deputies disproportionate. On Thursday morning the Assembly was surrounded by a police cordon, who aggressively questioned all entering Deputies, simply to keep Bolanos-Davis out. Opposition ALN whip Maria Eugenia Sequeira and PLC heavy-weight Enrique Quinonez denounced this "militarization" of the Assembly as "sending a message of terror."

Disappointment with the ALN

11. (C) Bolanos-Davis expressed to us his deep disappointment that so few Deputies had stood up to defend him. The support of his own Conservative Party was unflinching, he told us, but the overall response from the ALN had been tepid. "Eduardo (Montealegre) is not a fighter," he opined. "He would be a great peace-time leader, but we are in the middle of a war." The ALN needs bold leadership and the time for Montealegre to step aside had come, he stated. That would create space for a stronger leader, perhaps for one of the more disaffected PLC members to jump ship and join forces with the ALN. When we asked who that could be, he named Enrique Quinonez. "Quinonez has the guts to jump the PLC ship, but he won't do so until there is someplace to land."

Comment

12. (C) Bolanos-Davis appeared to us to be surprisingly resilient, even feisty, in the face of removal from his Assembly seat and the likelihood of sustained attacks in future. By his own admission he is buoyed by the belief that he has been unfairly targeted, and that he is in the right. We agree that he has been the victim of a sustained attack because he was outspoken and dared to take on Lenin Cerna directly. Unfortunately, we also agree with Bolanos-Davis that the cards are stacked against him here in Nicaragua, and we think that he is probably not exaggerating when he guesses that the FSLN leadership will continue to pursue him, including possibly putting him in jail, with or without adequate cause.

13. (C) Bolanos-Davis's disappointment with the leadership of the ALN is not surprising, given what he's been through in the past few weeks. While we have severe reservations whether Quinonez would be an ideal leader for the ALN or a Liberal coalition, if at some point Montealegre decides to stand down, Bolanos-Davis is probably correct in his assessment that the pro-democracy forces in Nicaragua are particularly fragile right now. If his case proves nothing else, it demonstrates that the combined power of Ortega-Aleman is hard to assault and personally risky for those who try it. Despite the interesting political theatrics around the Bolanos-Davis case in the National Assembly in the first few weeks of August, the weakness of the Assembly is clearly manifest. It seemed all too easy for the FSLN-Aleman Pacto to get rid of this critic.

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